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May 6, 2021

VIA ECF

Hon. John G. Koeltl
United States District Judge
United States District Court
Daniel Patrick Moynihan Courthouse
Southern District of New York
500 Pearl Street
New York, NY 10007-1312

*Conference adjourned
July 16, 2021 at 2:30 P.M.
So ordered
Jr 6/16/21
U.S.D.S.
5/7/21*

Re: Iron Workers Locals 40, 361 & 417 Health Fund v. Joyce et al
Civil Case No.: 20-cv-596

Dear Judge Koeltl,

As Your Honor will recall, this firm is counsel to Plaintiff Iron Workers Locals 40, 361 & 417 Health Fund ("Health Fund") in the above-referenced matter. We write to request an adjournment of the status conference currently scheduled for May 10, 2021.

As we advised via letter dated March 10, 2021, Defendant James Joyce's treating physician has filed for no fault arbitration, and same was held on February 24, 2021. The arbitrator issued an award on April 19, 2021, which found that the no fault provider was to pay Mr. Joyce's treating physician.

Mr. Boyle has represented to Plaintiffs that the no fault carrier received the demand for satisfaction of the arbitration award on April 20, 2021. The no fault carrier has forty-five (45) days to appeal or request clarification or modification of the award. The no fault carrier has not determined what it intends to do at this time.

If the no fault carrier pays the physician, he will reimburse the Health Fund in the amount of \$199,222.92, which represents a significant portion of the Health Fund's total lien of \$296,802.38. If the Health Fund is reimbursed these monies, we will be that much closer to resolving the lien.

In light of the pending reimbursement issue, Plaintiff requests that the status conference scheduled for May 10, 2021, be adjourned. This is the third request to adjourn the status conference; the prior request was granted. Counsel for the defendants has consented to the adjournment.

Plaintiffs thank Your Honor for the Court's attention to this matter.

Respectfully,

COLLERAN, O'HARA & MILLS L.L.P.

By: /s/ Thomas P. Keane

THOMAS P. KEANE

TPK/gl

3028-0008

cc: Seamus Boyle, Esq. via ECF